

1 19 NCAC 02E .0602 is proposed for amendment as follows:

2
3 **19A NCAC 02E .0602 REQUESTS FOR PERMITS FOR A FACILITY**

4 (a) Applications for selective vegetation cutting, thinning, pruning, or removal (exclusive of grasses) at a facility
5 shall be made by the owner of the facility ~~business or advertisement~~ to the appropriate Division Engineer of the
6 North Carolina Department of Transportation, Division of Highways. Applications with all required documentation
7 shall be submitted in both printed and electronic form. A non-refundable fee of two hundred dollars (\$200.00) must
8 accompany each application.

9 (b) Selective vegetation cutting, thinning, pruning, or removal for opening views to facilities shall be permitted only
10 for the ~~Permittee's~~ permittee's facilities adjacent to highway right of way at locations where such facilities have been
11 constructed. ~~The provisions shall not be used to provide visibility to undeveloped property.~~ Complete removal of
12 all trees and other vegetation shall not be permitted. Dogwood trees and redbud trees shall be preserved. Other trees,
13 which are not screening the facility from view and are four caliper inches and greater in diameter, measured six
14 inches from the ground, shall be preserved. Trees, shrubs, and other vegetation less than four caliper inches in
15 diameter may be removed. Trees, shrubs, and other vegetation, which are four caliper inches or greater in diameter
16 as measured six inches from the ground and not to be preserved, may be cut, thinned, pruned, or removed according
17 to approval of Department personnel designated by the Division Engineer. All vegetation cutting, thinning, pruning,
18 or removal shall be in accordance with accepted International Society of Arboriculture (ISA) standards.

19 (c) The provisions shall not be used to provide visibility to undeveloped property or to on-premise signs.

20 ~~(c)(d)~~ (d) Applications must be accompanied by a sketch showing the requested limits of the selective cutting, thinning,
21 pruning, or removal of vegetation. For commercial, industrial, institutional, and office facilities, the limits of
22 selective cutting, thinning, pruning, or removal shall be restricted to the area of right-of-way immediately adjacent to
23 frontage property of the facility but not to exceed 1,000 contiguous linear feet. The permitted limits of the selective
24 vegetation removal permit shall not be altered for subsequent applications. The applicant shall also include on the
25 sketch the location, species, and caliper inches of all trees with a diameter of four caliper inches and greater, as
26 measured six inches above ground level, at the time of the application and desired to be cut, thinned, pruned, or
27 removed.

28 ~~For outdoor advertising displays, these limits shall be restricted to a maximum cutting area for each sign face which~~
29 ~~shall be determined as follows:~~

- 30 (1) ~~The point located on the edge of the right of way which is the closest point to the center line of the~~
31 ~~sign face shall be point A;~~
32 (2) ~~The point located 100 feet down the right of way line in the direction of the sign viewing zone~~
33 ~~shall be point B;~~
34 (3) ~~The point on the edge of pavement of the travelway (not paved shoulder) which is the closest to~~
35 ~~the center line of the sign shall be point C;~~
36 (4) ~~The point 50 feet down the edge of pavement in the direction of the sign viewing zone from point~~
37 ~~C shall be point D;~~

(5) ~~The point 250 feet down the edge of pavement in the direction of the sign viewing zone from point C shall be point E; and~~

(6) ~~Lines drawn from point A to point D and from point B to point E shall define the limits of the cutting area (see diagrams that follow as examples of the application of this subsection).~~

~~The Department of Transportation shall determine compensatory tree replanting to be performed by the sign owner as a result of the ABED removal zone versus the previous 125-foot rectangular zone. Compensatory tree planting is required to replace trees removed in the new portion of the ABED zone. This replanting shall be inch for inch based on the caliper inches of trees removed in the ABED zone which are four inches and greater measured six inches above the ground. Location of replanting shall be areas of old 125-foot zone now not allowable to be cut by new ABED zone and locations within right of way on same route within one mile as designated by the Department where sign faces are blocked or will be blocked by existing trees in the 125 foot zone the ABED removal zone shall not be implemented. For commercial, industrial, institutional and office facilities, the limits of selective clearing or thinning shall be restricted to the area of right of way immediately adjacent to frontage property of the facility but not to exceed 1,000 linear feet.~~

~~(d)(e) Applications for permits for vegetation cutting to be performed on State Highway right of way must be accompanied by written authorizations(s) by the underlying fee owner(s) of all property upon which cutting is to take place, provided that where the right of way was secured in fee simple by the Department, such authorization shall not be required. The application must also be accompanied by written authorization of all owners of property abutting the area to be cut. The applicant must certify that permission has been obtained from the adjoining landowner(s) to access their private property, if applicable, for the purpose of conducting activities related to the selective vegetation removal permit application.~~

~~(e)(f) The selective vegetation control removal request shall may be investigated on site by Maintenance and Roadside Environmental Department personnel and a representative of the applicant.~~

~~(f)(g) If the application for vegetation cutting is for a site located within the corporate limits of a City or Town, municipality and if the municipality has previously advised the Division Engineer in writing of its desire to review such applications, the applicant shall deliver the application to the municipality at least 30 days prior to submitting the application to the Department, so that local officials shall be given the opportunity to review the application. application if the City or Town has previously advised the Division Engineer of their its desire to review such applications.~~

*History Note: Filed as a Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;
Authority G.S. 136-130; 136-18(5); 136-18(7); 136-18(9); 136-18.7; 136-93;
Eff. June 1, 1982;
Amended Eff. November 16, 1991; December 1, 1990; August 1, 1985; June 2, 1982;*

- 1 *Temporary Amendment Eff. November 16, 1999;*
- 2 *Temporary Amendment Eff. March 1, 2012*
- 3 *Amended Eff. August 1, ~~2000~~; 2000, November 2012.*